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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,860	01/09/2006	Marco Daher	P70980USD	5320
136 7590 10/17/2008 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER DESAI, HEMANT				
ART UNIT		PAPER NUMBER		
3721				
MAIL DATE		DELIVERY MODE		
10/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,860

Applicant(s)

DAHAR ET AL.

Examiner

Hemant M. Desai

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2008 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "folding device" and "pressing station" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boger et al. (4687137) in view of Vijuk (5044873).

Boger, et al. discloses the gluing station (20, fig. 2) comprises glue outlet openings (92, fig. 2), which may be selectively supplied (each provided with valve 72, 74, 76 etc, fig. 2) with glue and provided with at least two applications heads (60, 38, fig. 2). Note, the claim is written in an intended use form, it seems like applicant is claiming "A base insert device for making cross bottoms" along with "folding devices", while the body of the claim and the entire filed claims focusing on "gluing stations" with no recitations to as of how the folds done and/or how the base been inserted. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex Parte Masham*, 2USPQ2d

1647 (1987). It appears that Boger's adhesive dispensing apparatus is capable of dispensing whatever kind of glue as the claimed structure limitations been fully disclosed by Boger et al. Boger et al. disclose that the application head is provided with an application plate (20, fig. 2) in which several glue outlet openings (98) are each arranged equidistantly (see fig. 2) on one line in a direction perpendicular to the feed direction of the sheets and/or the folds of the bases, the application plates being configured such that adjoining glue outlet openings (60, 38) of two different application heads are positionable at a different distance than the distance between the glue outlet openings (see fig. 2).

The distance between the two glue outlet openings are not equidistance, but it would have been obvious to one having ordinary skill in the art to configure them at equidistance to change the glue pattern being applied to the sheet.

The device of Boger et al., as mentioned above, discloses all the limitations, except for adjustable gluing stations (more than one). However, Vijuk teaches adjustable gluing stations and at least two application heads (45, fig. 16), and at least one head may be displaced in a direction orthogonal to the feed direction of the sheets to change the adhesive pattern and apply the adhesive at the right place (see fig. 17, col. 10, lines 4-10). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the adjustable glue stations as taught by Vijuk in the base inserter device of Kolbe et al. to change the adhesive pattern and apply the adhesive at the right place.

Regarding claim 3, Vijuk teaches that the in the gluing station, the two application heads are displaceably supported on a common guide rail (173, fig. 17).

Regarding claim 4, Vijuk teaches that at least one drive (176) for providing the force for moving at least one displaceable application head.

Regarding claim 5, Vijuk teaches that the drive can be driven using a motor.

Regarding claims 6-8, Vijuk teaches means (controller, fig. 41) for automatically displacing the application head and a control unit that controls the displacement.

Regarding claim 9, Vijuk teaches that all the application heads of the gluing station can be supplied with glue from one common glue supplying line, which guides the glue directly towards the application heads.

Regarding claims 10-11, Vijuk teaches that the glue supplying line runs essentially in a direction orthogonal to the feed direction of the sheets.

Regarding claim 12, Kolbe et al. disclose guide elements, which guide the bag components to be glued in the region of the gluing station.

Regarding claim 13, Vijuk teaches that one application head remains stationary.

Regarding claim 14, Vijuk teaches that the format is defined by three application heads (see fig. 16) of which the middle one can remains stationary during the adjustment of the format.

Regarding claims 15-17, the modified base insert device of Kolbe et al., as mentioned above, meets all the claimed limitations of claims 15-17.

Regarding claims 18-19 it appears that Boger's adhesive dispensing apparatus is capable of dispensing whatever kind of glue as the claimed structure limitations been fully disclosed by Boger et al.

Response to Arguments

5. Applicant's arguments filed 9/29/2008 have been fully considered but they are not persuasive. In response to Applicant's argument regarding the distance between the two glue outlets being equal, note that, as explained above, the rearrangement of the glue outlets is obvious to one having ordinary skill in art to accommodate different glue patterns. Further, the modified device of Boger et al. teaches two application heads, and therefore it is obvious to one having ordinary skill in art to rearrange the two application heads so that the adjoining glue outlet openings of two different application heads are positionable at any required distance, which in this case may be less than the distance between the two glue outlet openings of the same application head.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hemant M Desai/
Primary Examiner, Art Unit 3721